

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

HANS HUG, JR.,

Plaintiff

v.

LEXISNEXIS RISK SOLUTIONS INC.,

Defendant.

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Case No. 1:22-cv-00422-LM

**DEFENDANT LEXISNEXIS RISK SOLUTIONS INC.'S
ANSWER TO PLAINTIFF'S COMPLAINT**

Defendant LexisNexis Risk Solutions Inc. ("LNRS"), by counsel, submits this Answer to Plaintiff Hans Hug, Jr.'s ("Plaintiff") Complaint. ECF No. 4, pp. 3-4. LNRS denies all allegations in Plaintiff's Complaint that it does not explicitly admit. LNRS responds to the unnumbered paragraph in the Claim Description attached to Plaintiff's Complaint as follows:

LNRS admits that Plaintiff purports to bring this action against LNRS pursuant to the Fair Credit Reporting Act, 15 U.S.C. § 1681, et seq. ("FCRA") and New Hampshire state law. LNRS denies that it violated the FCRA or New Hampshire law and further denies that Plaintiff is entitled to any of the requested relief. LNRS denies any remaining allegations in the single unnumbered paragraph of Plaintiff's Complaint.

ADDITIONAL DEFENSES

Without admitting any of the allegations in Plaintiff's Complaint, and without admitting or acknowledging that LNRS bears the burden of proof as to any of them, LNRS asserts the following additional defenses. LNRS intends to rely on any other defenses that become available or apparent during pretrial proceedings and discovery in this action and reserves the right to assert all such defenses, including but not limited to those listed in Federal Rule of Civil Procedure 8(c).

FIRST ADDITIONAL DEFENSE

Plaintiff's Complaint fails to the extent it does not state a claim upon which the Court may grant relief.

SECOND ADDITIONAL DEFENSE

Plaintiff's Amended Complaint fails to the extent that Plaintiff has not taken action necessary to recover under the FCRA.

THIRD ADDITIONAL DEFENSE

Any recovery Plaintiff receives is subject to a set off if any damages are awarded against LNRS, in the amount of any damages or settlement amounts recovered by Plaintiff with respect to the same alleged damages. LNRS is also entitled to have any damages that may be awarded to Plaintiff reduced by the value of any benefit or payment to Plaintiff from any collateral source.

FOURTH ADDITIONAL DEFENSE

Plaintiff's alleged damages, if any, are the result of the acts, errors, and omissions of third parties not controlled by LNRS, and those third parties were the sole cause of any such damages.

FIFTH ADDITIONAL DEFENSE

Plaintiff's alleged damages, if any, are not compensable to the extent they are speculative or uncertain.

SIXTH ADDITIONAL DEFENSE

Plaintiff's claims are barred, in whole or in part, by lack of injury or damages, whether actual, presumed, or otherwise.

SEVENTH ADDITIONAL DEFENSE

Plaintiff's alleged damages, if any, are the result of Plaintiff's own acts, errors, and omissions, which were the sole cause of any such damages.

EIGHTH ADDITIONAL DEFENSE

Plaintiff's Complaint fails to allege facts sufficient to merit a recovery of actual damages, statutory damages, punitive damages, interest, attorney's fees, costs, or any other relief.

NINTH ADDITIONAL DEFENSE

Plaintiff's claims fail to the extent that Plaintiff failed to take reasonable steps to prevent damages, if any, and failed to mitigate any such alleged damages.

TENTH ADDITIONAL DEFENSE

Plaintiff's state law claim(s) fail to the extent they are preempted, in whole or in part, by 15 U.S.C. § 1681t.

ELEVENTH ADDITIONAL DEFENSE

LNRS reserves the right to assert additional affirmative defenses at such time and to such extent as warranted by discovery and the factual developments in this case.

WHEREFORE, LNRS requests this Court to enter a judgment:

1. denying Plaintiff any and all relief in this case;
2. dismissing Plaintiff's claims in their entirety;
3. dismissing this case with prejudice;
4. awarding LNRS its costs and attorneys' fees incurred in this case; and
5. granting LNRS all other remedies that the Court deems just and proper.

Respectfully submitted, this 23rd day of November 2022.

/s/ Whitney L. Shephard

Whitney L. Shephard

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Attorney for Defendant

LexisNexis Risk Solutions Inc.

CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of November 2022, a true and correct copy of the foregoing was filed electronically via the Court's CM/ECF system, and was sent via Certified Mail and Electronic Mail to the following:

Hans Hug, Jr.
P.O. Box 580
Exeter, New Hampshire 03833
(Certified Mail)

hhug@apache1.net
(Electronic Mail)

/s/ Whitney L. Shephard
Whitney L. Shephard